

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

RACHEL C.,

Plaintiff,
v.

Civil Action No.
3:19-CV-0954 (DEP)

KILOLO KIJAKAZI, Acting Commissioner
of Social Security,¹

Defendant.

APPEARANCES:

FOR PLAINTIFF

LACHMAN, GORTON LAW FIRM
P.O. Box 89
1500 East Main Street
Endicott, NY 13761-0089

OF COUNSEL:

PETER A. GORTON, ESQ.

FOR DEFENDANT

SOCIAL SECURITY ADMIN.
625 JFK Building
15 New Sudbury St
Boston, MA 02203

HUGH DUN RAPPAPORT, ESQ.

¹ Plaintiff's complaint named Andrew M. Saul, in his official capacity as the Commissioner of Social Security, as the defendant. On July 12, 2021, Kilolo Kijakazi took office as the Acting Social Security Commissioner. She has therefore been substituted as the named defendant in this matter pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, and no further action is required in order to effectuate this change. See 42 U.S.C. § 405(g).

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

DECISION AND ORDER²

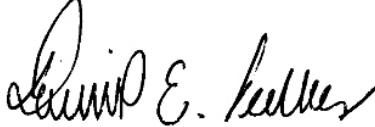
Plaintiff commenced this action, pursuant to 42 U.S.C. § 405(g), to challenge a denial by the Commissioner of Social Security (“Commissioner”) denying her application for Social Security disability benefits. On September 9, 2020, this court entered judgment affirming the Commissioner’s decision and dismissing plaintiff’s complaint. Following an appeal from the judgment, by a two-to-one majority, a panel of the Second Circuit Court of Appeals vacated this court’s judgment and remanded the matter to this court with an instruction to remand the matter to the Commissioner for further action consistent with that court’s opinion.

Colgan v. Kijakazi, 22 F.4th 353 (2d Cir. 2022). It is therefore hereby ORDERED that the judgment of this court (Dkt. No. 22) is VACATED, and the matter is REMANDED to the Commissioner for further proceedings consistent with the majority opinion of the Second Circuit Court of Appeals panel; and it is further

ORDERED that the clerk enter judgment consistent with this opinion.

² This matter is before me based upon consent of the parties, pursuant to 28 U.S.C. § 636(c).

Dated: February 25, 2022
Syracuse, NY



DAVID E. PEEBLES
U.S. Magistrate Judge